



Know Your Rights!

Intellectual Property

You have the right to ownership of intellectual property created in the fulfillment of your normal duties and responsibilities as a Faculty member. See the *Collective Bargaining Agreement*, Article XIX, Section 2.H, pp. 69-70.

- “A work made in the course of a Faculty member’s normal duties and responsibilities is the property of the Faculty member, who has the right to determine the disposition of such work and revenue derived from such work”(CBA, Article XIX, Section 4.B.1, p. 71).
- “Ownership of these categories of traditional faculty endeavor are waived by the University in favor of the Faculty member, and no test or registration of ownership is required”(CBA, Article XIX, Section 4.A, p. 71).

If a work is sponsored by the University, the University retains all rights and net proceeds to the work. However:

- “The University is the owner of the intellectual property only when the Faculty member and University knowingly and voluntarily enter into a written agreement to specifically create or use such specified intellectual property in exchange for additional compensation”(CBA, Article XIX, Section 4.B.2, p. 71).
- “A Faculty member and the University are joint owners of intellectual property only when they knowingly and voluntarily enter into a specific written agreement to create and use such intellectual property”(CBA, Article XIX, Section 4.B.3, p. 71).

The University has historically presented Faculty members (especially those developing Distance or Distributed Learning courses) with boiler plate agreements determining the ownership of the work and any compensation owed to the Faculty member. Read any such intellectual property agreement very carefully before signing them. You are not required to agree to the terms presented by the University and may be able to negotiate an agreement more to your liking.

- You have the right to refuse to sign any agreement that does not adequately protect your intellectual property rights or adequately compensate you for (wholly or partly) waiving those rights.

If you believe that your intellectual property rights have been infringed, contact AAUP-KSU (330-673-9118) to discuss filing a grievance.

AAUP-KSU, 1100 E. Summit Street, Kent, OH 44240 office@aaupksu.org www.aaupksu.org
8/19/09